

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

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<i>In re</i>)	
)	
Distribution of Cable)	Docket No. 14-CRB-0010-CD
Royalty Funds)	(2010-13)
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RESPONSE OF MUSIC CLAIMANTS
TO ORDER DIRECTING PARTIES TO REVIEW
CALCULATIONS OF FINAL DISTRIBUTION SHARES

By Order dated October 14, 2020 in the above-referenced proceeding, as well as in Consolidated Docket No. 19-CRB-0010-CD/SD (2010-13), the Copyright Royalty Judges (the “Judges”) directed “all participants in the captioned proceedings to review the calculations on Appendix A and file a notice with the Judges no later than October 26, 2020” as to any necessary clarifications of the Licensing Division’s calculations. Music Claimants¹ respond as follows.²

Music Claimants reached a settlement with all other Allocation Phase parties in both the 2010-13 Cable and Satellite Allocation Phase proceedings in 2016 and received their final distribution, which was taken “from the top” of the respective royalty funds.³ Accordingly, Music Claimants do not stand to receive royalties pursuant to the Calculation Order referenced in the

¹ Music Claimants consist of Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”), and SESAC Performing Rights, LLC, formerly SESAC, Inc. (“SESAC”).

² Music Claimants were not participants in Consolidated Docket No. 19-CRB-0010-CD/SD (2010-13) because any Distribution Phase controversies among Music Claimants were settled. Accordingly, Music Claimants respond only in the instant proceeding.

³ See Joint Notice of Settlement and Motion for Distribution Regarding Cable Royalty Claims of Music Claimants, *In re Distribution of Cable Royalty Funds*, Docket No. 14-CRB-0010-CD (2010-13) (December 15, 2016); Joint Notice of Settlement and Motion for Distribution Regarding Satellite Royalty Claims of Music Claimants, *In re Distribution of Satellite Royalty Funds*, Docket No. 14-CRB-0011-SD (2010-13) (December 15, 2016). The Judges granted these motions in orders dated August 11, 2017.

Judges' October 14, 2020 Order. To the extent that the October 14, 2020 Order directs a response from Music Claimants as a participant in these proceedings, Music Claimants state that the calculations set forth in Appendix A appear to be accurate as to Music Claimants and conform to the distributions that Music Claimants previously received. Because Music Claimants did not participate in the litigated proceedings after settlement, Music Claimants respectfully defer to the non-settling Allocation Phase parties with respect to their accuracy of each of their respective calculations.

Respectfully submitted,

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Dated: October 26, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2020, a copy of the foregoing Response of Music Claimants to Order Directing Parties to Review Calculation of Final Distribution Shares was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ Jennifer T. Criss

Jennifer T. Criss

Proof of Delivery

I hereby certify that on Monday, October 26, 2020, I provided a true and correct copy of the Response of Music Claimants to Order Directing Parties to Review Calculations of Final Distribution Shares to the following:

Commercial Television Claimants (CTC), represented by John Stewart, served via ESERVICE at jstewart@crowell.com

Canadian Claimants Group, represented by Lawrence K Satterfield, served via ESERVICE at lksatterfield@satterfield-pllc.com

Joint Sports Claimants, represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@apks.com

MPA-Represented Program Suppliers, represented by Gregory O Olaniran, served via ESERVICE at goo@msk.com

Devotional Claimants, represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via ESERVICE at rdove@cov.com

Signed: /s/ Jennifer T. Criss